

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
Southern District of New York

**SUMMONS IN A CIVIL CASE**

One Communications Corp., as successor in  
interest to CTC Communications Group, Inc.  
and CTC Communications Acquisition Corp.,

Plaintiff,  
V.

**'07 CIV 3905**  
CASE NUMBER:

JP Morgan SBIC LLC, Sixty Wall Street SBIC  
Fund, L.P., The Megunticook Fund II, L.P.,  
The Megunticook Side Fund II, L.P.,  
Kevin O'Hare, Jeffrey Koester, Mellon Investor  
Services LLC as nominal defendant as escrow  
agent and Verizon New England Inc. as defendant  
on a declaratory judgment claim,

**JUDGE SWAIN**

Defendants.

TO: (Name and address of Defendant)

See attached list of defendants.

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

**TEITLER & TEITLER**  
John M. Teitler (JT-3111)  
Nicholas W. Lobenthal (NL-1451)  
1114 Avenue of the Americas  
New York, NY 10036  
(212) 997-4400

an answer to the complaint which is served upon you with this summons, within 20 days  
after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by  
default will be taken against you for the relief demanded in the complaint. Any answer that you serve  
upon the parties to this action must be filed with the Clerk of this Court within a reasonable period of time  
after service.

J. MICHAEL McMAHON  
CLERK

MAY 18 2007

DATE

Manos Jimtero

(BY) DEPUTY CLERK

### LIST OF DEFENDANTS

JP Morgan SBIC LLC  
C/o J.P. Morgan Partners, LLC  
270 Park Avenue  
New York, NY 10017  
New York County

Sixty Wall Street SBIC Fund, L.P.  
270 Park Avenue  
New York, NY 10017  
New York County

The Megunticook Fund II, L.P.  
143 Newbury Street  
Boston, MA 02116  
Suffolk County

The Megunticook Side Fund II, L.P.  
143 Newbury Street  
Boston, MA 02116  
Suffolk County

Kevin O'Hare  
48 Steeplechase Drive  
Doylestown, PA 18901  
Bucks County

Jeffrey Koester  
32 Haskell Lane  
Marlborough, Massachusetts 01752  
Middlesex County

Verizon New England Inc.  
185 Franklin Street  
Boston, MA 02110  
Suffolk County

Mellon Investor Services LLC  
480 Washington Boulevard  
Jersey City, NJ 07310  
Hudson County

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 07 CIV 3905

Purchased/Filed: May 18, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN COUNTY

One Communications Corp., as Successor in interest to CTC Communications Group, Inc., et al.

Plaintiff

against

JP Morgan SBIC LLC, Sixty Wall Street SBIC Fund, L.P., The Megunticook Fund II, L.P., et al.

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on May 23, 2007, at 11:45am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons in a Civil Case, Complaint, Rule 7.1 Disclosure Statement, Civil Cover Sheet, Individual Practices of Judge Laura Taylor Swain, 3rd Amended Instructions for Filing an Electronic Case or Appeal, Procedures for Electronic Case Filing, Guidelines for Electronic Case Filing, and Individual Practices of Magistrate Judge Andrew J. Peck Bearing the above Index # and Filing Date on

The Megunticook Fund II, L.P., the

Defendant in this action, by delivering to and leaving with Donna Christie, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 1 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section 121-109 Revised Limited Partnership Act.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant. A copy of this Affidavit and a copy of the papers have been sent to the defendant via Registered Mail 7778 4256 4275 5000 0645 to 137 Newbury St, Second Floor, Boston MA 02116, 7778 4256 4275 5000 0652 to 143 Newbury St, Boston MA 02216 and 7778 4256 4275 5000 0669 to The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington DE 19801.

Description of the person served: Approx. Age: 38 Approx. Wt: 140 Approx. Ht: 5'6

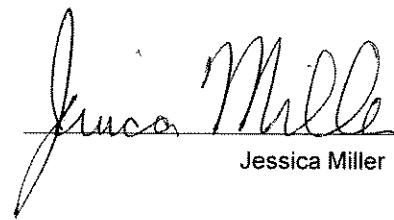
Color of skin: White Hair color: Blonde Sex: Female Other:

Sworn to before me on this

25th day of May 2007

Deborah A. Bottisti (Berlin)

DEBORAH A BOTTISTI  
NOTARY PUBLIC, State of New York  
No 01BO6036756, Qualified in Albany County  
Commission Expires February 7, 2010



Jessica Miller

Invoice•Work Order # 0611814

Receipt #: 200705240087

Cash #: 200705240074

Date of Service: 05/23/2007

Fee Paid: \$40 - DRAWDOWN

Service Company: 05 ATTORNEY'S PROCESS & RESEARCH SERVICES -

Service was directed to be made pursuant to: SECTION 121-109 OF THE REVISED  
LIMITED PARTNERSHIP ACT

Party Served: THE MEGUNTICOOK FUND II, L.P.

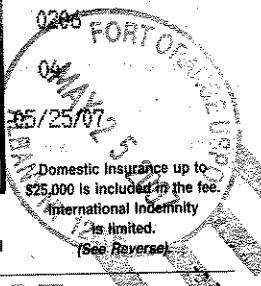
Plaintiff/Petitioner:

ONE COMMUNICATIONS CORP.

Service of Process Address:

Secretary of State  
By DONNA CHRISTIE

Reg. Fee	9.50
Handling Charge	\$0.00
Postage	2.67
Received by	
Customer Must Declare Full Value \$ \$0.00	
<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance	



## OFFICIAL USE

1000	APRS
FROM	P O Box 10277 Albany, NY 12201
TO	WILMINGTON MERRILL LYNCH FUND II, L.P. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange St Wilmington DE 19801

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
 May 2004 (7530-02-000-9051) (See Information on Reverse)  
 For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com)®

Registered At-

Filed 06/13/2007

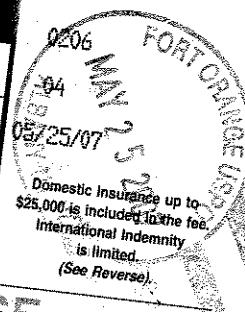
Page 6 of 11

Registered No.

7776 4256 42725 Spanish 100 2  
Reg. Fee 1

9.50	
Handling Charge	\$0.00
Postage	2.50
Received by	\$0.00

Date Stamp



Domestic Insurance up to  
\$25,000 is included in the fee  
International Indemnity  
is limited.  
(See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed		OFFICIAL USE
FROM	APRS PO Box 10277 Albany, NY 12201	
TO	The Weston Management Fund II, L.P. 143 Newbury Street Boston MA 02116	

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
May 2004 (7530-02-000-9051) (See Information on Reverse)  
For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com)

To Be Completed By Post Office		Reg. Fee 9. <b>\$6.50</b>	
Handling Charge \$0.00		Return Receipt <b>2. 15</b>	0206 FORT ORANGE, NY 10527
Postage <b>2. 15</b>		Restricted Delivery \$0.00	05/25/03
Received by			
Customer Must Declare Full Value \$ <b>\$0.00</b>		<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance	
Domestic Insurance up to <b>\$25,000</b> is included in the fee. International Indemnity is limited. (See Reverse).			
<b>OFFICIAL USE</b>			
FROM		<b>APRS</b> PO Box 10277 Albany, NY 12201	
TO		The TIAA/CREF Fund II, L.P. c/o Thomas N. Matlack 137 Newbury St., Second Floor Boston, MA 02116	
To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed			

**PS Form 3806, Receipt for Registered Mail** Copy 1 - Customer  
May 2004 (7530-02-000-9051) *(See Information on Reverse)*  
For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com) ®

United States District Court

County of Southern District of NY

One Communications Corp., Successor in interest to CTC Communications Group, Inc. et ano.

vs

JP Morgan SBIC LLC, Sixty Wall Street SBIC Fund, L.P., The Megunticook Fund II, L.P., et al.

Index Number: 07 CIV 3905  
Filed On: 5/18/2007

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SUPPLEMENTAL AFFIDAVIT OF SERVICE/MAILING

Jessica Miller, being duly sworn, says:

I am over the age of 18 years and am not a party to this action. On the 25th of May, 2007 I sent on behalf of the Plaintiff herein a copy of the Summons in a Civil Case, Complaint, Rule 7.1 Disclosure Statement, Civil Cover Sheet, Individual Practices of Judge Laura Taylor Swain, 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal, Procedures for Electronic Case Filing, Guidelines for Electronic Case Filing and Individual Practices of Magistrate Judge Andrew J. Peck Bearing the above Index # and Filing Date together with notice of the service upon the Secretary of State thereof to The Megunticook Fund II, L.P., the Defendant herein, by registered mail via United States Postal Service (Registered Mail No. 7778 4256 4275 5000 0720, 7778 4256 4275 0706, 7778 4256 4275 5000 0713) in a securely sealed envelope with sufficient postage thereon with return receipt requested addressed to:

**Delaware: The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington DE 19801**

**Massachusetts: c/o Thomas N. Matlack, 137 Newbury St. Second Floor, Boston MA 02116**

**Massachusetts: 143 Newbury St., Boston MA 02116**

ATTACHED HERETO AND MADE A PART HEREOF IS THE  
 SIGNED RETURN RECEIPT FROM THE DEFENDANT  
 RETURNED MAIL  
 UNCLAIMED  
 RETURNED TO SENDER  
 UNDELIVERABLE AS ADDRESSED

Sworn to before me this  
7th day of June, 2007

Deborah A. Bottisti (berlin)  
Deborah A. Bottisti  
Notary Public, State of New York  
No. 01BO6036756  
Qualified In Albany County  
Commission Expires February 7, 2010

Jessica Miller  
Jessica Miller



7778 4256 4275 5000 0652

## 3. Service Type REGISTERED MAIL

4. Restricted Delivery? (Extra Fee)  Yes

## 1. Article Addressed to:

0611814-A  
The Megunticook Fund II, L.P.  
143 Newbury Street  
Boston, MA 02116

Received by (Please Print Clearly)

VAUGHAN

B. Date of Delivery

5-31-07

## C. Signature

X CMW/ak

 Agent  
 Address  
 Yes  
 NoD. Is delivery address different from item 1?  
If YES, enter delivery address below:

## Reference Information

PS Form 3811, July 2001

Domestic Return Receipt



7778 4256 4275 5000 0645

A. Received Page 10 of 11

B. Date of Delivery

VAUGAAN

5-31-07

## C. Signature

OMN/Naey

 Agent  
 Address  
 Yes  
 NoD. Is delivery address different from item 1?  
If YES, enter delivery address below:3. Service Type **REGISTERED MAIL**4. Restricted Delivery? (Extra Fee)  Yes

## 1. Article Addressed to:

0611814  
The Megunticook Fund II, L.P.  
c/o Thomas N. Matlack  
137 Newbury St.  
Second Floor  
Boston, MA 02116

Reference Information

PS Form 3811, July 2001

Domestic Return Receipt

A. Received by (Please Print Clearly)

JOSEPH TABIRI

5/31/07

7778 4256 4275 5000 0669

3. Service Type **REGISTERED MAIL**4. Restricted Delivery? (Extra Fee)  Yes

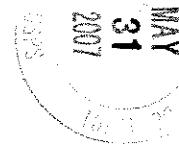
## 1. Article Addressed to:

0611814-B  
The Megunticook Fund II, L.P.  
The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

D. Is delivery address different from item 1?  
If YES, enter delivery address below: Agent  
 Address  
 Yes  
 No

C. Signature

X

Reference Information

PS Form 3811, July 2001

Domestic Return Receipt